

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CARLOS DAWAYNE FOXX, also  
known as Carlos Dewayne Foxx**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:17cv61-LG-RHW**

**DEBBIE COOLEY, CAPTAIN  
HUBERT DAVIS, and LEGAL  
CLAIMS ADJUSTER JARITA  
BIVENS**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS  
AND GRANTING MOTION TO FOR SUMMARY JUDGMENT**

**BEFORE THE COURT** is the [62] Report and Recommendation entered by United States Magistrate Judge Robert H. Walker on June 5, 2019. Judge Walker recommends that the [59] Motion for Summary Judgment filed by the defendants should be granted and that the 42 U.S.C. § 1983 civil rights complaint filed by Carlos Dawayne Foxx should be dismissed with prejudice for failure to state a claim pursuant to 298 U.S.C. §1915(e)(2)(B)(ii). Judge Walker also recommends that Foxx be assessed a strike pursuant to 28 U.S.C. § 1915(g). The record reflects that the Court mailed a copy of the Report and Recommendation to Foxx, but Foxx has not filed an objection to the Report and Recommendation. Foxx also did not respond to the [59] Motion for Summary Judgment.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection

is made.”) In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Walker’s Report and Recommendation is neither clearly erroneous nor contrary to law.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the [62] Report and Recommendation entered by United States Magistrate Judge Robert H. Walker on June 5, 2019, is **ADOPTED** as the opinion of the Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that the [59] Motion for Summary Judgment filed by the defendants is **GRANTED**. The 42 U.S.C. § 1983 civil rights complaint filed by Carlos Dawayne Foxx is **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 9<sup>th</sup> day of July, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE